

From: [Marshall, Paul](#)
To: [Craig Samek](#)
Cc: [Justin Vondrak](#); [Mark Simms](#); "Kim Cole"
Subject: RE: Sioux City, IA IPP Industry SNC Determination
Date: Thursday, February 14, 2019 12:53:00 PM
Attachments: [image002.png](#)
[image004.png](#)

Hi Craig,

The following paragraph on page 12 in your IDNR-issued Operating Permit makes the following statement:

Wastes in such volumes or quantities as to exceed the design capacity of the treatment works or reduce the effluent quality below that specified in the operation permit of the treatment works are considered to be a waste which interferes with the operation or performance of the treatment works and are prohibited by rule IAC 567-62.1(7).

So, judging from your statement that BOE discharged TSS which caused you to exceed your MAHL (design capacity of the treatment works) in July, I would say they caused an NPDES permit violation, which constitutes interference, which is defined as SNC by 403.8(f)(viii)(C).

The permit that was in effect in July 2018 makes this statement on page one of the permit:

Noncompliance with any term or condition of this permit or with any portion of the City of Sioux City Sewer Use Ordinance, or those regulations contained in 40 CFR 403, shall constitute a violation of the approved pretreatment program, and therefore, be subject to the penalties ascribed in the City's Enforcement Response Plan and Chapter 13.08.09 in the Municipal Code. The conditions contained herein are considered part of the permittee's requirements and any violation of the conditions herein will be evaluated and the appropriate enforcement action will be applicable. Situations of continued non-compliance shall result in escalation of enforcement action(s).

While the permit itself does not have an explicit requirement to not cause interference, the SUO should. Consequently, they are also in violation of their discharge permit.

I would argue that the statement in the NPDES permit, above, requires you to consider them in SNC. However, the Director also has this authority to utilize (from the definition of SNC in the SUO:

8. Any other violation(s), which may include a violation of BMPs, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

The above should build a pretty clear case that BOE was in SNC.

Paul

From: Craig Samek <csamek@sioux-city.org>
Sent: Wednesday, February 13, 2019 1:07 PM
To: Marshall, Paul <Marshall.Paul@epa.gov>
Cc: Justin Vondrak <jvondrak@sioux-city.org>; Mark Simms <msimms@sioux-city.org>; 'Kim Cole' <kim.cole@kimhec.com>
Subject: Sioux City, IA IPP Industry SNC Determination

Good afternoon, Mr. Marshall.

I, on behalf of the Sioux City IPP, would appreciate if you could give guidance and clarification as to SNC determination for Big Ox Energy for the second half of 2018. They were already published for SNC for discharges and interference for the first half of the year. However, there were no effluent violations that were attributable to BOE discharges and did not meet TRC or Chronic Violation criteria for TSS discharge limits. they did however, discharge TSS levels that caused us to exceed our MAHL Monthly Average TSS lbs./day in July and contributed to process inhibitions and slowing necessary repairs to primary clarifiers.

We feel that this constitutes SNC but would like your input.

Let me know if you have questions, and thank you for your assistance.

Sincerely,

Craig Samek
SC WWTP
Pretreatment Coordinator

712-279-6987
3100 S Lewis Blvd
Sioux City, IA 51106
csamek@sioux-city.org